

**LITCHFIELD PLANNING BOARD
April 21, 2009**

Minutes approved 5/5/09

Members present:

Alison Douglas, Chairman
Edward Almeida, Vice Chairman
Marc Ducharme, Clerk
Leon Barry
Steve Perry, Selectmen's Representative

Members not present:

Jayson Brennen
Carlos Fuertes

Also present:

Joan McKibben, Administrative Assistant
Steve Wagner, Nashua Regional Planning Commission, Circuit Rider

AGENDA

1. Andrew Prolman/Litchfield Conservation Commission to discuss Conservation Subdivisions

2. Discuss and Prioritize October 21, 2008 Planning Board Priorities

- a. Driveways**
- b. Vehicular Circulation**

3. Any Other Business

- a. Approve April 7, 2009 Minutes**

Chairman Douglas called the meeting to order at 7:08 p.m.

1. Conservation Subdivisions

Attorney Andrew Prolman and Joan McKibben (Conservation Commission Chairman) came before the Board to discuss conservation subdivisions. Attorney Prolman said he is not here as an attorney and therefore he is not representing a client. He is a resident of Litchfield here to pitch open space zoning.

Litchfield Planning Board

April 21, 2009

1 Att. Prolman said that the planner back in the 90's, when he sat on the Board, the planner
2 was Julie Cummings, was an advocate of open space zoning and setting aside land to
3 preserve it. All other communities have some type of open space conservation zoning
4
5 and he believes it is something the Board should do for the Town.

6
7 Att. Prolman: I met with the Conservation Commission and proposed this to them; I can't
8 do this alone. I don't want people to think it is developers proposing this. The
9 conservation open space does not increase density or change density it simply reduces lot
10 size to set aside land. There will come a time where there will be some pressure on the
11 farms, and the farms will go. The essence of this Town is the beautiful farmland and to
12 let it all develop into one acre cookie cutter lots would be a shame. If this is something
13 the Board would consider, it should start thinking about it and looking at drafts and the
14 putting it out to Town Meeting.

15
16 In the past, Attorney Prolman had provided the Board with a draft of Milford's ordinance
17 for review. He believes that the Conservation Commission is on board as well. Mrs.
18 McKibben said she is a proponent of the proposed ordinance and the Conservation
19 Commission is still learning about it but it is something that other towns do and she
20 thinks it will work. You can make deed restriction that would stay forever.

21
22 Mr. Wagner mentioned the transfer of development rights. To this, Attorney Prolman
23 said, "as to transfer of development rights - do not do it. If you are going to do an open
24 space development, keep it simple and stick to an open space zoning and tweak it over
25 the years. Do not make it complicated in the beginning". He told the Board that he would
26 be happy to help with the development of an ordinance for Litchfield.

27
28 Mr. Barry: I think it is time to move in that direction...keep it simple until we know what
29 we are doing. It is something we should sit down and do to become knowledgeable and
30 then take it to Town Meeting.

31
32 Att. Prolman: The ordinance will provide you a tool to have a better layout for the use of
33 the property instead of being chopped up and turned into forty (40) lots. You could put a
34 road and curve it, and have 20 acres set aside. This is a tool we do not have now; the
35 ordinance today ties my hands.

36
37 Talk ensued as to septic systems in this type of development. Att. Prolman said he would
38 like to see some flexibility but maybe individual septic on individual lots of 20,000
39 square foot lots or a community septic might make sense but do not exclude one or the
40 other. Mrs. McKibben suggested that the building setback could be 30 feet instead of 50
41 feet with 20,000 sq. ft. lots.

42
43 Mr. Perry said that he is not in favor of a community septic.
44

Litchfield Planning Board

April 21, 2009

1 Att. Prolman: You can say no community septic, have 25,000 sq. ft. lots with individual
2 septic and open space deeded through the Town...open space to be a certain percent of
3 good dry upland soil.
4

5
6 Chairman Douglas said that the Board will take it under advisement. With this, Attorney
7 Prolman left the meeting at 8:45 p.m.
8

9 **Workforce Housing** will be discussed at the next meeting. Mrs. McKibben said that
10 there is a developer who will be before the Board at the May 5th meeting to discuss
11 workforce housing.
12

13 **Heritage Park** - A letter was read from the Association stating that they are against any
14 changes to the plan and they do not want any Certificate of Occupancy issued until the
15 issue of the community center is resolved. Mrs. McKibben told the Board that there was
16 a meeting today regarding the lighting issues and other things. There is still the question
17 as to who owns what in that development. Mrs. McKibben will call Town Counsel Steve
18 Buckley to have him determine property ownership.
19

2. Planning Board Priorities

20
21
22 Chairman Douglas said the Board needs to prioritize the list as to what it wants to work
23 on. The Board reviewed the list of priorities.
24

Zoning

- 25
26
27 #1. Revise the permitted uses to include dog kennels, mixed use, etc.
28 #2. Is done - the growth management ordinance will sunset in 2010, the Board wants to
29 add a trigger to re-instate the ordinance if needed.
30 #3. Building code - The Board needs to work with Kevin Lynch, Code Enforcement
31 Officer, to bring the building code to Town Meeting in 2010. It was said that it is pretty
32 much completed. It did not go to Town Meeting in 2009 because the Board had questions
33 on some of the items deleted. Mr. Wagner said that what Mr. Lynch deleted is covered by
34 the State. The Board still needs to meet with Kevin Lynch.
35 #4. Telecommunications ordinance - Mr. Wagner had discussed this with Kevin Lynch
36 who said you cannot regulate telecommunication towers. This needs to be checked. Mr.
37 Wagner said he will do more research on this. Also, he will get up to speed on wind
38 towers, etc.
39 #5. Wetlands ordinance - Mrs. McKibben said before doing anything there is a Supreme
40 Court case she wants to look at.
41 #6. and #7 will take time to review; (Workforce Housing or Inclusionary Zoning) and
42 Open Space Ordinance.
43 #8. Consider groundwater protection ordinance in conjunction with storm water - Mr.
44 Wagner said it is good to look at a ground protection. Mrs. McKibben said that NRPC is
45 having a panel discussion regulating water on April 30th in Merrimack. Towns want

more control over their water resource.

#9. Sign ordinance - is just about completed. The Board needs to review it one more time.

#10. The State passed new laws adding an energy section to the Master Plan and the Board should also look at alternate fuels and how to regulate it. Mr. Wagner told the Board right now, if someone wants to put in a hydrogen center or CNG center there is no proper zoning to handle that. There could also be a situation where someone has a home business making biodiesel...and need to look at regulations and see what is out there. Mr. Wagner will get obtain more information on this.

#11. Split lots - Mr. Wagner: We have always talked about commercial lots like Map 2 Lot 88 and how to deal with them.

One thing I saw there is a community that says in their regulation within so many feet of a line one side of the other zoning...so if we looked at split lots the common thread say encroaches 60 to 100 feet into one district, you could do that and say anything within 200 feet of a boundary line is transitional or residential, whatever. You could say just leave it alone or we can try to realign the district to the current boundary lines which will always be changing when somebody subdivides.

Mr. Ducharme added what the City of Concord would let people do is move the line 20 feet and split their lot. What is the difference, it is your lot.

Regulations

3. Update Stormwater regulation - permit and encourage LID - Mr. Wagner said we need to make sure that the regulations stay current. He will review the regulations.

Fire protection (access, sprinklers, etc) - Mr. Wagner: There is a section in the model site plan regulation similar to other things but pretty much all there is in fire protection is the distance between fire hydrants. So, we need to look at a more comprehensive regulation that deals with standards when we apply sprinklers - are we going to require sprinklers in all new structures? The water sources like we went through with the Rodonis site, sprinkling requirements for commercial buildings, etc.

Minimum soil depth to reduce water usage - Mr. Wagner: We were talking about irrigation systems and trying to control water usage and having 4 inches of cover for topsoil and when you look at what the standards are, the recommendation is 6 inches is ideal for coverage. The idea was to get to a point if you require this minimum soil depth even when people put in irrigation systems they would not have to water as much.

Landscaping - Mr. Wagner said there is no ordinance so the Board needs to come up with some language.

Litchfield Planning Board

April 21, 2009

Update parking standards - Mr. Wagner recommends updating what is existing because the standards have changed and also to consider shared parking, etc. such as if you have two commercial lots, they can share parking right up against the property line to help reduce the number of parking spaces allowed for multiple businesses.

Design guidelines - Mr. Wagner: We have in our regulation building orientation and design guidelines. Mr. Brennen had mentioned having a design guideline along Route 3A corridor so the Board should be looking at areas in Town in order to maintain its character.

Vehicular Circulation Standards - Review of the proposed regulation. Mr. Wagner said this goes back to 2006 but it was never adopted. It is almost ready for adoption. He did incorporate Lou Caron's suggestions.

Mr. Barry talked about private roads, inspection of, snow storage, plowing, etc. It was said that throughout the ordinance there is mention of AASHTO design codes and these change every few years. This was discussed and agreed to adding to the text "AASHTO as amended". Mr. Wagner will standardize the ordinance to say AASHTO as amended.

Mr. Barry pointed out on Page 3 where it references driveways where it says "driveway width should be based on the use" change it to say "shall be based on the use". This led to discussions that the word "shall" is mandatory and the word "may" gives the Board an option...in general "shall" is always put in place when you want a definitive requirement. Mr. Wagner will review the ordinance to make sure "shall" is used replacing "should" throughout the document.

Driveways - The driveway draft regulation was provided by Mr. Wagner and found to be very in-depth. Mr. Wagner said he will work on reducing it.

The Vehicular Circulation regulation will be discussed again on May 19th as well as the driveway regulation. Mr. Wagner will also review the permitted uses noted in the different districts to possibly add dog kennels, etc.

3. Any Other Business

Minutes - Mr. Barry **MOTIONED** to approve the April 7, 2009 as amended. Mr. Almeida seconded. Motion carried 4-0-1.

Escrow Account - The Board is in receipt of a letter from Marguerite Parent requesting release of a restoration bond funds for 109 Charles Bancroft Highway. The Clerk read the letter. Mr. Ducharme will look at the property, check the slopes and report back to the Board.

Litchfield Planning Board

April 21, 2009

Cutler Road - Mr. Barry talked about a site walk held by the Zoning Board. The ZBA actually walked the land before making a decision and Mr. Barry indicated the ZBA now see the value of walking the land before approving applications.

There being no further business, Mr. Barry **MOTIONED** to adjourn the meeting. Mr. Perry seconded. Motion carried 5-0-0. The meeting adjourned at 9:39 p.m.

Lorraine Dogopoulos
Recording Secretary

Alison Douglas, Chairman

Edward Almeida, Vice- Chairman

Marc Ducharme

Leon Barry

Steve Perry, Selectmen's Rep